

CITY OF WESTMINSTER

**TOWN AND COUNTRY PLANNING ACT 1990
AND
ACQUISITION OF LAND ACT 1981**

**THE CITY OF WESTMINSTER (EBURY BRIDGE ESTATE)
COMPULSORY PURCHASE ORDER 2022**

STATEMENT OF REASONS

1. INTRODUCTION

- 1.1 This is the Statement of Reasons for the making of the City of Westminster (Ebury Bridge Estate) Compulsory Purchase Order 2022 (the 'Order') under section 226(1)(a) of the Town and Country Planning Act 1990 as amended by section 99 of the Planning and Compulsory Purchase Act 2004 (the Act) and the Acquisition of Land Act 1981. This Statement of Reasons is a non-statutory statement provided by the City of Westminster (the 'Council') in compliance with the Ministry of Housing, Communities and Local Government's Guidance on Compulsory purchase process and The Crichel Down Rules 2019 (the 'Guidance').
- 1.2 If confirmed by the Secretary of State for Housing, Communities and Local Government, the Order will enable the Council to acquire compulsorily the land included in the Order (the Order Land) as shown within the red-line boundary of the Order Plan at Appendix 1 to facilitate the comprehensive regeneration of the Ebury Bridge Estate (the 'Estate') (of which the Order Land forms part) to provide new and improved mixed tenure housing, high quality open space, improved community facilities and associated servicing (the 'Scheme') as described in Section 5 below.
- 1.3 The Council has given careful consideration to all relevant issues, having done so, it is satisfied that there is a compelling case in the public interest for it using its powers of compulsory acquisition for facilitate the regeneration of the Order Land and that the proposed acquisition will:
- 1.3.1 facilitate the carrying out of development, redevelopment and improvement on and in relation to the Order Land; and
 - 1.3.2 contribute to the promotion and improvement of the economic, social and environmental wellbeing of the City of Westminster.

The benefits of the Scheme are described in detail in Section 7.

- 1.4 The Scheme has been a planning and regenerative objective of the Council for many years. Although the Council owns the freehold interest of the Order Land, implementation of the Scheme requires the acquisition of leasehold interests. The Council has endeavored to acquire the necessary interests by negotiation,

but it has not been possible to reach agreement with all of the parties affected. The Council will continue to make reasonable attempts to acquire outstanding interests by private treaty with a view to limiting the number of interests that need to be compulsorily acquired.

- 1.5 Whilst compulsory purchase is a last resort, the Secretary of State recognises in paragraph 2 of the Guidance that, if the acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Accordingly, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to plan a compulsory purchase timetable as a contingency measure; and initiate formal procedures, at the same time as seeking to purchase land by agreement.
- 1.6 On 13 July 2020, the Council resolved to approve the progress of all work necessary to establish a case for compulsory purchase and approved, in principle, the use of compulsory purchase powers for the acquisition of the land required for development phase of the Ebury Bridge Estate Renewal redevelopment beyond the first phase.
- 1.7 On 6th October 2021, the Council granted a hybrid planning permission ('Planning Permission') for the Estate to provide a residential-led mixed use development comprising the erection of new buildings to provide residential units and ancillary residential facilities (Class C3) and retail (Class A1 – A4), community floorspace (Class D1/D2) and workspace (B1), the provision of new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, and other associated works.
- 1.8 [On XX Month Year], the Council resolved to make a compulsory purchase order pursuant to the powers conferred by Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) in relation to the Order Land. The Council has consequently made the Order in order to secure the Order Land required for the purpose of implementing the Scheme.]
- 1.9 The detailed part of the Planning Permission, which is to be sited within the Estate but on land entirely within the Council's control, comprises approximately 226 residential units, residential facilities, community and

estate management floorspace and associated amenity space. The intention is to proceed with the detailed part of Planning Permission as soon as practicable. The subsequent phase of development are to be implemented on land which includes the Order Land, bringing forward the remaining homes (approximately 532 units) and further retail and community facilities.

- 1.10 This Statement sets out the existing and proposed uses of the Order Land, the justification for the Order, a description of the Scheme, how the Scheme will be implemented and funded, steps taken to negotiate for the acquisition of land by agreement and explains why there is a compelling case in the public interest for the making of the Order.

2. DESCRIPTION OF THE ORDER LAND AND ITS LOCATION, TOPOGRAPHICAL FEATURES AND PRESENT USE

Description

- 2.1 The Order Land is identified on the Order Plan at Appendix 2 and comprises 1.86 hectares of land that is to be compulsorily acquired and 1.86 hectares of land subject to the acquisition of new rights. The Order Land comprises part of the Estate, incorporating those properties which have not already been acquired by agreement, together with any associated interests and rights that may exist. The Order Land is more particularly described below and in the schedule of interests accompanying the Order, which lists the owners, lessees, tenants, occupiers of the land and other parties with a qualifying interest in the Order Land where known as defined by section 12(2) of the 1981 Act. Details of statutory undertakers' rights and interests are also provided.
- 2.2 The Order Land is predominantly residential with the exception of the ground floor of Rye House and Buckhill House where there are a variety of small retail units fronting onto the Ebury Bridge Road. These comprise 6 units in Rye House (1 x vacant; 1 x A1 Class Use; 1 x A2 Class Use; 1 x A3 Class Use; 2 x Ebury Bridge Regeneration Base) and 8 units in Bucknill House (1 x vacant; 7 x A1 Class Use) with a total cumulative floor area of 846sqm.
- 2.3 The residential properties within the Order Land includes residential properties in Westbourne, Rye, Bridge, Victoria, Bucknill, & Doneraile House. There are currently 94 residential units in use.

- 2.4 The Order Land comprises the following land and property:
- (a) [Land within and subsoil beneath public footpath together with retaining wall on Ebury Bridge Road;
 - (b) Communal areas and residential premises comprising Flats 5, 6, 13 and 17 Bridge House;
 - (c) Commercial premises on the ground floor of Rye House and Bucknill House comprising 3 Ebury Bridge Road, 11 to 13 Ebury Bridge Road, 29 to 31 Ebury Bridge Road and 33 Ebury Bridge Road
 - (d) Communal areas and residential premises comprising Flats 3, 13, 15, 18, and 23 Rye House;
 - (e) Communal areas and residential premises within Westbourne House comprising Flats 1, 9, 11, 12, 16, 18, and 20 Westbourne House;
 - (f) Residential premises within Bucknill House comprising Flat 15 Bucknill House;
 - (g) Residential premises within Victoria House comprising Flats 17, 19, 20, 21, and 23 Victoria House;
 - (h) Residential premises within Doneraile House comprising Flats 2, 4, 5, 8, 9, 21, 45, 48, 51, and 54]
- 2.5 The blocks of Rye, Westbourne, Bucknill and Victoria are located along the north-western edge of the Ebury Bridge Estate around two internal courtyards. Doneraile House to the southeast of the Ebury Estate comprises a U-shaped footprint enclosing a parking courtyard.
- 2.6 The Order Land is located within Pimlico, South Westminster, within Westminster Council's administrative area. The majority of Pimlico is residential with long-standing communities.
- 2.7 The Order Land is not within a conservation area, nor does it include any listed buildings and structure. However, the 3-storey residential terraced properties opposite the Estate (no 20 – 42 (even)) Ebury Bridge Road are Grade II Listed. Beyond this, listed buildings are scattered heavily across the built environment to the north and west, with the nearest Grade I Listed Building to the Estate

being the Church of St Barnabas (circa 160 meters away). The Estate is in close proximity to a number of Conservation Areas, including the Belgravia Conservation Area that lies immediately to the west at the northern end of the Estate.

The Wider Estate and Surrounding Area

- 2.8 The Order Land comprises part of the Estate. A plan of the Estate is attached at Appendix 3. The Estate is located between the railway lines into Victoria Station and Ebury Bridge Road. Its northern boundary is formed by a steep change in gradient up to Ebury Bridge and southern boundary by the Grosvenor Waterside development. Chelsea Barracks, where a major residential redevelopment is underway is located to the south-west, across Ebury Bridge Road.
- 2.9 The Estate is one of Westminster's oldest housing estates with the majority of the buildings constructed in the 1930s in response to a housing shortage in the borough. Nine buildings (Rye, Bucknill, Westbourne, Victoria, Bridge, Pimlico, Mercer, Dalton and Wellesley Houses) completed in 1930/1931 make up the original northern part of the Estate, with a further three buildings (Cheylesmore, Doneraile and Hillersdon Houses) completed in 1938 at the southern end of the Estate. Edgson House on Ebury Bridge Road was added in 1955 and Wainwright House was built on to the rear of Wellesley House in the 1980s.
- 2.10 The Estate currently comprises 6 blocks accommodating 182 residential dwellings. The Estate originally comprised 336 residential dwellings but as blocks have become vacant due to tenants being rehoused, steps have been taken to demolish several blocks on the Estate (currently totaling 6 residential dwellings) so as to minimise the opportunity for anti-social behavior and reduce the Council's maintenance obligations.
- 2.11 Other areas of the Estate, which are not in the Order land include two large areas of open space to the middle and south of the Estate. The first is located between Edgson House and Hillersdon House and takes the form of open landscaping with trees and children's playspace. The second is located between Doneraile House and Cheylesmore House and comprises a fenced Multi-Use Games Area available for use by residents as well as other organisations, by agreement.
- 2.12 A total of 177sqm of community floorspace was comprised in the Estate. This

comprised a 23sqm gardening building and a 153 sqm facility in the basement of Edgson House that included a main hall, two small meeting rooms, office, toilets and a kitchen. It is understood that this space was used primarily by a local youth club and by the Ebury Bridge Residents Association – twice a week for two hours. In addition to this, the hall was used for an hour a day as a food bank. There were community 'meeting spaces' located in Wainwright House and The Lodge (being a one storey building between Doneraile House and Hillersdon House), with the latter also being used by the Estate gardening club. The Estate is for the most part 'car free' with just seven car parking spaces provided at street level for disabled residents living on the Estate.

- 2.13 Edgson House was one of the first buildings to benefit from vacant possession and has now been demolished pursuant to an approval granted in January 2019 (reference 18/08372/COFUL). A subsequent approval granted in September 2019 (reference 19/05038/COFUL) consented the use of the former Edgson House site as a temporary community space, café and workspace/retail units for a period of 5 years. The construction of of the 'meanwhile' facility (now known as Ebury Edge) completed in September 2020, and includes a 79 sqm community space pursuant to the prior approval is temporary, pending the delivery of a larger community space as part of the Scheme.
- 2.14 As the Council's rehousing strategy has progressed, the decision was taken to obtain prior approval for the phased demolition of Wellesley House, Wainwright House, Dalton House, Hillersdon House, Pimlico House and Mercer House (reference 19/06951/APAD). Wellesley House, Wainwright House, Dalton House, Hillersdon House, Pimlico House and Mercer House have all been demolished.
- 2.15 In terms of the surrounding area, it comprises a range of uses, albeit predominantly residential. The Estate is in close proximity to the Grosvenor Waterside Development (to its south) and the Chelsea Barracks Development (to its west). Both are high density residential-led mixed use schemes. There is a variety of period and modern architectural styles and typologies, which vary in height.

Ownership

- 2.16 A substantial part of the Order Land is already within the ownership of the Council. The Council owns the freehold of Westbourne, Rye, Bridge, Victoria, Bucknill, and Doneraile House.
- 2.17 At the start of the purchase process there were 140 long leasehold interests throughout the Estate that needed to be acquired by the Council. Of the leasehold interest approximately, half were owned by non-resident lessees.
- 2.18 Since negotiations with lessees to acquire those leasehold interests began in April 2014, the Council and its agent Westminster Community Homes (“WCH”) have purchased 103 properties with a further 7 owned by WCH. WCH has agreed to transfer the properties back to the Council in line with the vacant possession timeline.
- 2.19 Of the remaining 30 leasehold interests to be acquired 8 are currently under offer to the Council and a further 7 in active negotiations. Efforts continue to be made with the final 15 leaseholders yet to enter into negotiations to sell by agreement.
- 2.20 With regard to council tenants, there were a total of 198 secure tenants who would need to be rehoused during both phases. Since 2014 Phase 1 residents were prioritised and all Phase 1 tenants have been rehoused. In terms of the subsequent phases, there are 49 secure tenants remaining in Phase 2 that need to be rehoused.
- 2.21 The Phase 1 proposals will provide 226 new homes across two buildings, and will include 98 council homes, providing the opportunity for returning council tenants to move into the first phase.
- 2.22 There are currently four long standing retail interests within the Ebury Bridge Estate. The Council are actively working with them, to find an alternative location or agree on ending their lease with a payment of compensation. Presently two long term retail users have expressed their wish to stay until they need to leave in 2026, whilst the two other long term users have advised that they would like to move to an alternative location or accept a

payment of compensation once the Order has been served.

3. EXPLANATION OF THE USE OF THE ENABLING POWER

CPO Powers

- 3.1 The Council has powers (subject to confirmation by the Secretary of State) under section 226 of the 1990 Act to acquire land compulsorily for “development and other planning purposes”. Section 226(1) (a) allows the use of these powers if it thinks the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land.
- 3.2 Section 226(1)(a) is subject to subsection (1A) which provides that the Council as an acquiring authority, must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to achievement of the promotion or improvement of one or more of the economic, social or environmental well-being of its area. As explained in Section 7 below the Council is satisfied that the compulsory acquisition of the Order Land will achieve the objectives of section 226(1) (a) and (1A). The proposed use of compulsory purchase powers will result in the redevelopment of the Order Land in a manner which will bring about social, economic and environmental improvements through the provision of new housing, new and improved community facilities and high quality open space as described in Section 7.
- 3.3 The Guidance recognises the use of the Section 226 power as a positive tool to help acquiring authorities to assemble land where this is necessary to implement proposals in their local plans or where strong planning justifications for the use of the power exists. The Council has taken full account of the Guidance in making the Order. It is utilising the powers under section 226(1)(a) of the 1990 Act because it is not certain that it will be able to acquire the remaining interests and rights to enable the redevelopment to commence by agreement, notwithstanding that it is proposed to reach agreement by negotiation wherever reasonably possible.

4. PROJECT BACKGROUND AND PURPOSE IN SEEKING TO ACQUIRE THE LAND

Background – Option Selection

- 4.1 The Estate (of which the Order Land forms part) has been a regeneration priority of the Council for some time. The Estate comprised one of the priority

housing estates identified in the Westminster Housing Renewal Strategy March 2010 (the 'Renewal Strategy') as being in need of improvement and significant investment. In accordance with the Council's City for All objectives, the overarching objective of regenerating the Estate is to create a comprehensive renewal that brings about physical, economic, and sustainable change; that creates additional homes and improves the lives of residents, businesses and visitors alike.

- 4.2 The Renewal Strategy proposed five 'Wellbeing Principles' to be applied to key regeneration areas: These principles were:
- 4.2.1 to increase the supply and quality of affordable housing to meet a variety of local needs including for families;
 - 4.2.2 to improve the quality of the local environment with outstanding green and open spaces that promotes low energy consumption and environmental sustainability;
 - 4.2.3 to promote a high quality of life for people of all ages and backgrounds in safe cohesive and healthy neighbourhoods, supported by a range of high quality housing and excellent community facilities;
 - 4.2.4 to enable people to maximise economic opportunity with housing tenure with support for training, employment and enterprise, and housing tenures which help those in work to remain in the City;
 - 4.2.5 to create a more distinct sense of neighbourhood ending the physical divide between Westminster's estates and surrounding streets.
- 4.3 A procurement competition was held in 2012 to appoint master planners to seek to apply the above principles to the renewal of the Estate. HTA was subsequently appointed. In 2013, following extensive consultation with Estate residents, a renewal scheme was developed, involving a mixture of new build and refurbishment of homes. A resident ballot was subsequently held in which residents voted in favour of the development proposals (the 'Previous Scheme'). The Previous Scheme received planning permission in March 2016 (reference 14/01295/COFUL). The approved masterplan sought to provide more residential and associated floor space to contemporary standards, retained more of the existing blocks of flats and the new building element was

not as high as currently proposed. Despite conducting detailed scrutiny of the Previous Scheme, it proved unviable and, therefore, undeliverable. The associated planning permission subsequently expired unimplemented on 7 March 2019.

- 4.4 The Council looked again at viable renewal options for the Estate and in July 2017 made a commitment to work with the residents of the Estate to identify a way forward to improve the quality of homes, open spaces, and community facilities. From the end of July 2017 an on-site engagement team was recruited, tasked with re-starting engagement with residents on potential schemes. Since this time, consultation with local residents has been on-going, led by a team of dedicated on-site engagement officers.
- 4.5 To identify the preferred scenario for the regeneration of the Estate, an engagement framework was established in accordance with the Mayor's Good Practice Guide for Regeneration and the National Strategy for Estate Regeneration. The programme of engagement was delivered in the following stages.

Dates	Engagement/Consultation	Outcome
July 2017 – October 2017 (Vision and Objectives)	<p>Vision for the renewal of the Ebury Bridge Estate developed in partnership with residents. Face to face door knocking undertaken to collect a qualitative baseline of aspirations and opinions.</p> <p>On-site engagement team in situ. 130 structured conversations with households and businesses on how best to engage them on the renewal scenarios for the Estate.</p> <p>Regular Ebury Bridge newsletter (46 editions produced) established and distributed to existing residents and those temporarily rehoused. Optimism for the</p>	<p>Key Pledges established to assure residents that any scenario involving redevelopment would provide for:</p> <ul style="list-style-type: none"> - A right of return for residents, guaranteed for all secure tenants and resident leaseholders; - Full replacement of all council homes - 35% of any new homes provided will be affordable for social and intermediate rent; - Addressing overcrowding as a top priority;

	<p>renewal scheme and levels of engagement tested with a regular pulse survey.</p> <p>Dedicated Ebury Bridge website and Facebook page created July 2017 to hold the latest project information.</p>	<ul style="list-style-type: none"> - Good local shopping that serves local communities to be central to any scheme; - Ebury Bridge remaining a Council-owned estate; - Residents being at the heart of developing a viable new scheme <p>Council agreed a set of aims and objectives with residents:</p> <ul style="list-style-type: none"> - Deliver more affordable housing - Create a sustainable mixed community - Deliver improved public spaces and community facilities - Partner with residents and businesses in a meaningful and transparent way to put forward - the best proposal for the Estate - Set the standard for estate renewal with high quality design throughout all tenure types - Bring to life the most desirable, deliverable and viable option
<p>October 2017 – March 2018 (Options Appraisal)</p>	<p>Review of previous consultation undertaken in partnership with residents via workshops with secure tenants, leaseholders, overcrowded households, and temporary accommodation households. This assessed which of priorities embedded in the previous proposal were still important to residents and looked at new aspirations for future development</p>	<p>A resident-led strategy body (The Ebury Bridge Community Futures Group ('CFG')) was established and terms of reference agreed. The CFG is made of secure tenants, leaseholders, and Ebury Bridge businesses. Monthly meetings of the CFG established, followed a week later by less-formal drop-ins.</p> <p>Set of design principles established with the Council's design-team:</p> <ul style="list-style-type: none"> - Good distance between blocks

		<ul style="list-style-type: none"> - Good separation of pedestrian/vehicular movement - High quality amenities - Safe and secure environment - Well insulated from environment - Long term sustainability - Dual aspect homes <p>Scoring matrix (based on three core tests: viability, desirability, and deliverability) established to test each scenario.</p>
March 2018 – April 2018 (Narrowing Options)	<p>Eight development scenarios were established with the community (ranging from full refurbishment of existing blocks through to full redevelopment of the Estate).</p> <p>CFG and interested residents from the Estate were provided with detailed training in traditional developer-led viability assessment to enable residents to analyse the different development scenarios including the Previous Scheme, which was analysed using up-to-date benchmarking figures. This transparent process has included the likely costs of refurbishment options, the planning risks of scenarios, the feedback from developers and the impact of scenarios on groups with protected characteristics.</p>	<p>Scenario 7 (being the full redevelopment of the Estate and the creation of 750 homes) was selected. The CFG agreed the decision and endorsed consultation with the remainder of the Estate via s105 of the Housing Act 1985.</p>
May 2018 – June 2018 (Shaping Preferred Scenario)	<p>Engagement process that led to the selection and consultation on the preferred scenario compiled into a brochure and issued to all households on the Estate. Survey, block pop-up consultation events and a door-to-door questionnaire undertaken.</p> <p>In accordance with s105 of the Housing Act 1985, six week period of consultation on</p>	<p>Preferred Scenario presented to the Council's Cabinet on 9 July 2018. Cabinet approval for the selection of Scenario 7 as the preferred approach to look to deliver 750 homes (including 342 affordable homes) plus community facilities, retail shops and improved public realm.</p>

	preferred scenario 7 with Ebury Bridge secure tenants on and off the Estate	
--	---	--

- 4.6 A Section 105 consultation was conducted in May 2018. In response to the consultation undertaken under the Housing Act 1985, 93 secure tenants provided their views (being 62% of the 151 secure tenants on or waiting to return to the Estate) on the redevelopment scenarios. The majority of secure tenants, 56 tenants, 61% supported the recommendation of Scenario 7. Another 33 secure tenants made no positive or negative response and only 4 secure tenants were not in favour of Scenario 7. Over 90% of resident leaseholders were engaged throughout the preferred scenario process. Of the 39 remaining resident leaseholders, feedback was received from 6 households (15% of all resident leaseholders). Of these, 50% were supportive of Scenario 7, whilst 50% provided a negative response.
- 4.7 Over 80% of Estate households took part in shaping the renewal proposals, encompassing 496 engagement interactions. This enabled the priorities of residents to be factored into the proposals. Through collaborative dialogue with the CFG, the consultation and engagement programme was adapted and refined to meet the requirements of tenants and leaseholders. Dedicated support was provided for vulnerable people and organisations, including dedicated officer support for older people both before, during and after their respective moves, assistance with preparing temporary alternative homes with adaptations, reconnections, parking and additional furniture and assistance provided to the homeless charity 'One Big Family' to source new premises and provide storage and amenities during the transition. An online engagement tool was also set up to reach those who preferred to comment from their own home, in addition to the live-streaming of engagement sessions. Dedicated sessions with officers who speak a range of languages and older-person coffee mornings were also offered.
- 4.8 The consultation exercise on the preferred scenario revealed the following key themes/aspirations for residents of the Estate:
- (a) To move only once, where possible;
 - (b) To explore opportunities to keep the Estate active during construction works;
 - (c) To have a choice in where their new temporary or permanent home will be;
 - (d) They welcome the investment into improving the Estate;
 - (e) Those who participated in the consultation felt engaged and informed;

(f) They would like to carry on being involved in the redevelopment.

- 4.9 The preferred 'Scenario 7' scored most highly in the publicly consulted scenario assessment and was considered to most closely align with the strategic objectives set by the Council's City for All strategy. In particular, the preferred scenario allowed the potential for 750 residential units (re-providing the existing 198 social rented houses on the Estate with modern, high quality replacement homes). It would further deliver 144 affordable homes, 35% of the additional housing Scenario 7 envisaged, comprising a mix of social and intermediate homes. The proposals also envisaged improvements to the public realm, connecting the Estate to the local area, creating community facilities and a mix of shops to cater for residents and the wider community. Scenario 7 also included 408 homes designated for private ownership.
- 4.10 Market testing of Scenario 7 in December 2018 demonstrated that there was little interest in an opportunity to develop 408 homes for sale (as opposed to rent) as part of the Estate regeneration. The market response was consistent with the Council's desire to retain ownership of the Estate and its ambition to create a ladder of housing opportunity (from social and intermediate through to market rent) for all those living and working in Westminster. Accordingly, a revised regeneration tenure mix was put before (and approved by) the Cabinet on 13 March 2019 for Scenario 7 to deliver more market and discount rented homes.
- 4.11 Further, in March 2019, Cabinet approved a phased approach to the delivery of regeneration of the Estate, with the first phase of 216 new social, intermediate rent and market sale homes together with public realm coming forward first through tenant engagement, voluntary acquisitions and agreements. In addition to setting the quality standard for regeneration of the Order Land, this phased approach would enable the re-housing of all those tenants and resident leaseholders wishing to return to the Estate as well as the on-site households who wished to stay. This approach, in-line with the key aspirations of the Estate residents, would mean that the majority of residents in blocks comprised in the Order Land would have a single-move rehousing option (with the exception of a number of one bed households where second-move options would be required and also for leaseholders who express desire for a location outside of the first phase of development). In line with the October 2018 Cabinet decision, the proposal is that the first phase of development will be delivered by the Council and its wholly owned housing company, WHIL.

Background – Pre-Planning

- 4.12 Since the Cabinet decision as to the preferred option for redevelopment of the Estate in 2018, the onsite engagement team continued to support Estate residents and neighbours living in the local area. A monthly newsletter was issued to all residents living on the Estate and in adjacent neighbourhoods in the area (approximately 700 households). Throughout the autumn of 2018 secure tenants and leaseholders living at the Order Land were interviewed by Council officers and indicated their rehousing preferences. This data has been used to inform the construction phasing plan and the indicative tenure mix in each new block. The Ebury Bridge project team also continued to meet on a monthly basis with Churchill Ward Councillors to provide them with an opportunity to comment on the emerging phasing and scheme delivery options.
- 4.13 Following the Cabinet's approval of the approach to a planning application for the Estate in March 2019, to comprise a detailed planning application for the first phase and an outline planning application for the remaining phases – a hybrid planning application. Advisors Ove Arup & Partners were appointed to undertake the design development work to deliver the overall strategy for the Estate. Following detailed work by the architect team, including defining the housing mix, plans were presented to residents of the Estate and people living in the local area in the first phase of pre-planning consultation. To ensure that emerging designs were formed in collaboration with residents, a number of engagement methods were established:
- (a) The CFG – the resident-led steering group continued to play an instrumental part in the delivery of the Scheme and provided feedback on public realm, the energy strategy, building materials, facias, community facilities and internal configuration of flats;
 - (b) Dedicated Consultation Space – a vacant shop unit at No 9 Ebury Bridge Road was used to provide an accessible, welcoming space for residents to visit. The space hosted emerging design exhibition boards and engagement officers were on hand to answer questions and receive feedback;
 - (c) Resident Drop-ins – Hosted by the architects from the project team, the sessions gave all Estate residents an opportunity to drop-in and provide feedback on themed subject areas such as Rehousing/phasing, Public Realm, Homes, Play, Placemaking, Homes and Character. Over 150 Ebury Bridge residents attended these sessions;
 - (d) Dedicated Ebury Bridge website – To reflect the importance of the project and to provide an accessible platform for which interested parties can

access up to date information;

- (e) Commonplace online consultation tool – For those residents who were unable to attend workshops sessions/exhibitions or those who preferred to provide anonymous feedback in the comfort of their own homes;
- (f) Newsletters – 46 editions of the Ebury Bridge Newsletter have been distributed since this project started over in July 2017. The circulation has increased to include both Estate residents and neighbours living in the local area and over 750 copies are distributed each month;
- (g) Leaflet drops – All local residents have received leaflets and consultation booklets to provide opportunities to feedback on proposals;
- (h) Exhibition – Following the design engagement period with Ebury Bridge residents, a public exhibition was held over a two-week period (14 to 26 October 2019) including three Saturday's and late-night sessions. In addition to the physical exhibition, the Boards were made available on the Ebury Bridge website;
- (i) Meetings with amenity groups – Officers from the project team have met with 14 amenity and resident groups in the area. This included groups of residents from Cheylesmore House, Consort Rise, the Belgravia Conservation zone and No 1 Ebury Bridge Road.

4.14 Using the feedback gathered during the initial design development stage the design team responded with a set of key design objectives. There was then a further period of consultation meetings and a public exhibition informed the design proposal submitted as a planning application.

4.15 As is clear from the above, in accordance with the aspirations arising out of the consultation exercise, existing residents and businesses of the Estate and the wider community have played a key role at each stage of both the scenario development and the planning process. The application proposals were developed in response to the views of the community and other key stakeholders.

Phasing/Relocation and Rehousing

4.16 Before commencing engagement work with residents on an option appraisal process, a set of key pledges were established that would underpin any option taken forward, as above. The first was a guaranteed right of return for all secure tenants and resident leaseholders. This commitment safeguarded a new home on the Estate for such residents in the event of a redevelopment option being

taken forward.

- 4.17 In 2017, prior to any scenario appraisals, the tenure make-up of the Estate was 198 council homes and 140 leasehold properties. To date:
- (a) 149 secure Council tenants and their families have moved from the Estate (either temporarily or permanently)
 - (b) Of the total who have moved, 73 households have signalled they want to return to the new Estate;
 - (c) 76 households have chosen to permanently move to another home in Westminster
 - (d) 49 secure tenants currently remain on the Estate with 43 of these households expressing a desire to move into a new home once built;
 - (e) Two resident leasehold households have temporarily moved and expressed a wish to return to a new home on the Estate;
 - (f) It is expected that up to a further 20 resident leaseholders will be supported to return to a new home on the redeveloped Estate
- 4.18 To fulfil the Council's commitment to enable a right of return for both secure tenants and resident leaseholders, the Council's rehousing strategy is underpinned with two bespoke policies: Policy for Tenants in Housing Renewal Areas 2019 and Policy for Leaseholders in Housing Renewal Areas 2018. The Council has a dedicated re-housing team, responsible for carrying out a thorough housing needs assessment and supporting each household with their temporary or permanent move from the Estate. All secure council tenants are provided the highest bidding priority on the Council's choice based lettings system. This means that if they identify a suitable alternative property they are likely to be successful when bidding. The re-housing team will also identify potential properties, ahead of them becoming available, and arrange viewings with tenants.
- 4.19 In addition to establishing the standard of regeneration for the remainder of the Estate, the underlying principle of the phasing is to allow, as far as possible, a single move for tenants from their existing property to their newly built replacement homes on the Estate.

Council's Secure Tenants

- 4.20 Under the Council's policy secure tenants are entitled to a home loss payment, to compensate tenants for having to move at a time which is not of their choosing and a disturbance payment, to cover the reasonable costs of moving.

Council tenants who need to move right away will have a right to one of the new social homes in the redeveloped Estate. Tenants will have the option to: (i) move straight into one of the homes, if possible; or (ii) move into another social home in Westminster for a temporary period and then move into a new social home in the renewal area when they are ready.

If they do not want to move into one of the new homes, they can: (i) move to another social home in Westminster; or (ii) have a high priority to buy any of the new intermediate homes that are for sale in the housing renewal area. Any new social homes will be of a size that is needed, of the same tenant type and offered at a rent similar to current rents and set using the same national formula.

Leaseholders

- 4.21 In addition to the statutory home loss compensation, the Council has also consulted on and produced a refreshed leaseholder policy to support all resident leaseholders impacted by the renewal. Throughout 2017 and into 2018 widespread consultation took place across the borough. Ebury Bridge leaseholders and the CFG played a key role in shaping the content of the updated policy.

Following this consultation, the Policy for Leaseholders in Housing Renewal Areas was updated with its key features including;

- **An equity loan will be offered**, where the leaseholder is buying one of the new homes directly from any developer. The Council provides an interest free loan to bridge the gap between the leaseholder's contribution and the price of the new property
- **Shared equity will be offered**, where the leaseholder is buying one of the new homes directly from the Council. The Council bridges the gap between the leaseholder's contribution and the price of the new property, by having a share in the equity of the home
- **Buy one of the new homes on a shared ownership basis**, shared ownership is different to buying with an equity loan or on a shared equity basis as the leaseholder only part owns the property, rather than them being the full legal owner and rent is paid on the proportion that is not owned.
- **Buy one of the new homes outright**, Leaseholders can buy one of the new homes outright, if they want to and can afford to. There is no obligation on them to buy in this way, even if they can afford to. If this option is chosen they can buy a property of any size.

- **Buy another leasehold property in the housing renewal area,** Leaseholders may prefer to buy another property of the same value as their current home in the local area i.e. one that is not part of the redevelopment programme, if available. Where this is possible, assistance will be provided from the Council to help them find one. In some cases, the Council may be able to sell them property from its own vacant housing stock.
- **Become a social or an intermediate tenant in the housing renewal area,** In some cases leaseholders may be able to remain in the local area by becoming a social or an intermediate tenant. This option will only be offered in special circumstances, such as where none of the other home ownership options are suitable or where leaseholders want to become tenants due to having health problems for example. Where it is agreed leaseholders will receive 75% of the market value of their property, rather than 100%.
- **Receive help and support to move away from the housing renewal area,** Practical help and support will be available for leaseholders, where needed, that want to move to another part of Westminster or elsewhere. This can include help to find a property or with the whole process of buying. In some cases the Council may be able to sell them a property in Westminster from its own vacant housing stock. An equity loan or shared equity might be offered to buy another property close to the housing renewal area, in some limited circumstances.

Retailers

All long-term retailers will be offered the right of first refusal within the new Ebury Bridge development, once complete. They also have the option to relocate temporarily or permanently within the local area; alternatively, there is an option to agree to end their lease for compensation.

The Council has appointed an independent retail specialist, to give impartial business support to all retailers. This specialist has been available to all retailers since May 2020. The independent retail specialist is there to support occupiers move to new premises and ensure that they are able to continue trading with any increases in costs that may occur. This means that a financial business plan is created with all retailers.

Rehousing Strategy

- 4.22 The Previous Scheme saw 40 residents move from the Estate, with the Council's intention of moving them back in to the first newly delivered phase of that scheme. Due to the challenges in progressing the previous scheme, this was not possible to facilitate. These tenants are the Council's top priority for re-

housing once the first phase of the Scheme is complete. With approximately 226 new homes projected to be built in the first phase, there is an opportunity to provide all existing secure tenants and resident leaseholders (either onsite or temporarily rehoused) a move into a new home in that phase, so mitigating further disruption. Although some residents have already been required to move temporarily, this would provide the majority of residents to move once, straight into their new home.

Purpose of the Order

- 4.23 The purpose of the Order is to enable the comprehensive implementation of the Scheme which, in the opinion of the Council, will meet its planning and regeneration objectives within a realistic timescale. Without it, the Council has no certainty that development other than the first phase of the Scheme will come forward, which would mean that the economic, social and environmental benefits that come from comprehensive redevelopment of the Estate would not be realized.
- 4.24 The Estate is home to a cohesive community, including many householders and businesses who have lived there for a number of years and are established in the area. However, the building stock is ageing and in need of significant improvement. It currently provides relatively poor-quality housing, amenity space and living environment. The Housing Renewal Strategy outlined how some of Westminster's housing estates face challenges as a result of high concentrations of social housing that does not meet modern living standards and is expensive to maintain; disproportionate levels of overcrowding; health problems; poor levels of numeracy and literacy that contribute to low levels of employment and economic activity and higher perceptions of anti-social behaviour. The Estate is characterised by many of these problems.
- 4.25 As part of the options appraisal process, a detailed stock condition survey was undertaken. This identified that to refurbish the estate and bring it up to decent homes standard, would amount to between £60m and £100m across the whole estate. Maintenance costs on the Estate are increasing which results in poor value for money for residents. The layout of accommodation is poor with overcrowded households, the community facilities are inadequate and best use is not being made of the public realm.
- 4.26 The supporting text of the City Plan Policy 6 acknowledges that the Ebury Bridge Estate has the potential to create a significant uplift in the number of

homes, contribute to meeting strategic housing need and will also deliver wider benefits for the community, made possible by the large-scale nature of estate renewal. The reasoned justification acknowledges that regeneration presents the opportunity to improve quality of life for existing residents, address overcrowding and improve public realm, which will deliver walking links to the wider area (including the Victoria Opportunity Area and the new Chelsea Barracks development).

- 4.27 The redevelopment of the Order Land will also provide much-needed affordable housing (allowing all existing residents to remain on/return to the Estate) in an accessible location. In addition to contributing towards meeting Westminster's housing priorities, the Scheme will also act as a catalyst, spurring on further investment in the Victoria Opportunity Area. The Scheme will create a legible and accessible mixed-use neighbourhood with pedestrian and vehicular links that will better integrate the Estate into the surrounding street network, where currently it is disconnected and isolated. The enhancements to public realm will also deliver a far greater social and environmental contribution than the current under-used and tired offer. Other benefits include a substantial increase in quantum and quality of community floorspace, together with workspace, retail and commercial opportunities and a package of sustainability measures.
- 4.28 The Council is satisfied that: (i) all of the Order Land is required to deliver the Scheme; and (ii) the social, economic and environmental benefits of the Development are not capable of being realized otherwise than as part of a comprehensive redevelopment of the whole of the Estate. As there is no certainty that all of the interests can be acquired by negotiation, the Order is needed to enable the full, unified ownership so the Scheme can proceed.
- 4.29 Compulsory purchase will enable redevelopment to take place in a timely fashion in order to derive the wider public benefits the Scheme will secure and the realisation of the Council's objectives. The Order is therefore, not only necessary, but justified in the public interest.
- 4.30 If compulsory purchase is not achieved then the redevelopment of the Estate will be limited to the initial phase, reflecting the smaller area within the Council's ownership. This would thwart or delay much needed redevelopment of the area and the reduced scheme would not achieve a comprehensive redevelopment and result in considerably less benefit to the local community. The additional residential units (including an uplift in affordable housing), public realm and enhanced pedestrian links would be lost. It would also not resolve the future of

the Estate, which is of poor quality, does not make efficient use of land and has significant maintenance costs.

5. DESCRIPTION OF THE PROPOSALS FOR THE USE AND DEVELOPMENT OF THE LAND AND PLANNING POSITION

5.1 The redevelopment Scheme has been sensitively designed in response to detailed analysis of the Estate, the local context, the wishes of local residents and the Council's objective of delivering high-quality development.

5.2 The Scheme has been developed in close consultation with residents of the Estate, the local planning authority, the GLA and other key stakeholders. Throughout the consultation process, the support aired for the scheme was widespread with comments received fully considered as part of the evolving design.

5.3 On 6th October 2021 the Planning Permission was granted for:

"A mixed use development in outline for residential floorspace and ancillary residential facilities (Class C3) non-residential floorspace comprising flexible retail (Classes A1 - A4), community (Class D1), leisure (Class D2) and workspace (Class B1) floorspace; provision of basement; new pedestrian and vehicular access; and associated amenity space, open space, plant, landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works; and

Detailed planning consent for Blocks 7 and 8 comprising residential floorspace and ancillary residential facilities (Class C3); provision of a basement; new pedestrian and vehicular access; and associated amenity space landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works"

5.4 Taken together the scheme proposes up to 781 Class C3 residential units and up to 3,018sqm non-residential floorspace. The non-residential floorspace would comprise flexible retail (Classes A1 - A4), community (Class D1), leisure (Class D2) and workspace (Class B1) floorspace. The residential includes a replacement of the 336 homes current on the Estate, together with an uplift of 455 homes;

5.5 The detailed component for the first phase of the Scheme (on land within the Estate but outside of the Order Land) comprises 226 residential units proposed across Blocks 7 and 8, which comprise two buildings up to 18 storeys and 17

storeys in height respectively; with a basement. The application also includes new pedestrian and vehicular access and associated landscaping, car and cycle parking, refuse storage, servicing area and other associated infrastructure works.

5.6 The outline component comprises the subsequent phases of development and includes the development that is to be implemented on land which includes the Order Land, bringing forward the remaining homes (approximately 532 units) and further retail and community facilities across seven blocks – Block 1 to 6 and Block 9.

5.7 The allowable land uses across the blocks is set out in the table below:

Development Plot	Land Use
Block 1	<p>Principal land use: Residential (C3), including ancillary facilities.</p> <p>Other land uses: Retail(A1-A4); community and cultural uses (D1). In this respect, no more than 460sqm to be A3, no more than 340sqm to be A4, and no more than 150sqm to be D1.</p>
Block 2	
Block 3	
Block 4	
Block 5	<p>Principal land use: Residential (C3), including ancillary facilities.</p> <p>Other land uses: 350sqm of commercial uses (B1); 158sqm of community and cultural uses (D1).</p>
Block 6	Principal land use: Residential (C3), including ancillary facilities.
Block 7 (Detailed Area)	Principal land use: Residential (C3), including ancillary facilities.
Block 8 (Detailed Area)	Principal land use: Residential (C3), including ancillary facilities.
Block 9	<p>Principal land use: Residential (C3), including ancillary facilities.</p> <p>Other land uses: Community, cultural or leisure uses (D1/D2); restaurant or café uses (A3). In this respect no more than 130sqm to be A3.</p>

- 5.8 The development proposed pursuant to the Planning Permission and which is to come forward on the Order Land proposes (as a minimum) 158 sqm community floorspace in the ground floor of block 5 which will take the form of a designated community hall. Details of the hall will form part of the reserved matters application for this phase of development. This new hall will be larger than the existing, more flexible, secure, and located in a landmark location within the Estate. This will ensure a substantial intensification in its use and a far greater social benefit than the previous hall.
- 5.9 Additional community use could also come forward at the Estate as part of the 3,018 sqm of non-residential floorspace proposed as part of the development which includes the Order Land. This will depend on market and resident need and will be determined as part of future reserved matters applications. In this respect, the Planning Permission provides for up to 1,600 sqm of non-residential floorspace (A1-A4/D1 Uses) in Blocks 1-4 and, in Block 9, up to 910 sqm non-residential floorspace comprising D1/D2/A3 with no more than 130 sqm to be provided as A3 use. As such, there is scope for additional community facilities to come forward.

6. PLANNING POLICY

- 6.1 Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, however paragraph 106 of the Guidance makes clear what factors the Secretary of State is likely to take into account in deciding whether to confirm an Order, including whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework.
- 6.2 The statutory development plan for the Order Land comprises:
- (a) Westminster's City Plan 2019-2040 adopted by the Council on 21 April 2021; and
 - (b) The London Plan 2021.
- 6.3 The following policies of the development plan are relevant to the making of the Order:

London Plan

- 6.4 The Mayor's London Plan (2021) is the Spatial Development Strategy for Greater London. It sets out an integrated social, economic and environmental framework for the future development of London.
- 6.5 The London Plan (2021) places a greater emphasis on the need to genuinely optimise residential land uses in order to provide the high quality and well designed homes that London needs. This is set out across Chapter 3, in which the overarching principle is expressed as good growth through design. So whilst Westminster's housing target has dropped very nominally from 1,068 to 1,010 homes per year, the need to better utilise existing developed brownfield land is still a priority.
- 6.6 Within London Plan (2021) Policy H8 concerns the loss of existing housing and estate redevelopment. This policy provides that existing housing, if lost, should be replaced by new housing at existing or higher densities with at least equivalent level of overall floorspace. It cautions that, before considering the demolition and replacement of affordable homes, consideration should be given to alternative options. The potential benefits of demolition and rebuilding of homes should be balanced against wider social and environmental impacts and consideration should be given to the availability of Mayoral funding.
- 6.7 The London Plan (2021) comprises policies founded on the "golden thread" principle of 'good growth'. For housing delivery this means guiding London's development in a way that allows it to meet the needs of its growing population on existing brownfield sites. A key component of this is the support of mixed use developments that are able to distribute the success of London's economy, whilst delivering more housing and creating stronger communities. In terms of location, the London Plan emphasizes the importance of making best use of London's land – by using brownfield sites and intensifying the density and use of existing places. Policy H1 reinforces this, noting that boroughs should seek to optimise the potential for housing delivery on all suitable and available brownfield sites. As Policy GG1 recognises, the creation of mixed use developments contributes towards achieving good growth and inclusive communities. Specific to residential uses within the CAZ, Policy SD4 reiterates that such developments should be conserved and enhanced to meet the needs of diverse communities – albeit in a way that does not compromise the CAZ's wide strategic function.
- 6.8 The demand to optimise the use of land to meet increasing housing need has

been reinforced by Policy D3 which removes the Density Matrix in its entirety. Instead, the Policy states that in order for growth to be accommodated in a responsible way, densities will have to be developed with a design-led approach. This stance is strengthened further by policy directions made by the SoS on 13th March (as above), which states that higher density developments should be promoted in areas that are well connected by public transport and walking and cycling routes to jobs, services, infrastructure and amenities.

- 6.9 Policy H4 sets London' strategic target for 50% of all new homes to be genuinely affordable with major developments required to provide affordable housing in line with Policy H5's 'threshold approach.' As to tenure, Policy H6 and the Mayor's Affordable Housing SPG requires 30% of homes to be provided as low cost rent (social rent and affordable rent), 30% an intermediate product; and the remaining 40% to be determined by the LPA taking into account the relevant local plan policies. Policy H10 expects residential schemes to comprise a range of unit sizes to meet local housing need, deliver mixed neighbourhoods and to ensure that sites reach their potential without adding to the pressure on existing housing stock.
- 6.10 Policies D4 and D6 stipulate that residential developments should be of high quality design, comprising comfortable and functional layouts that are fit for purpose and which do not differentiate between tenures. Policy D5 on Inclusive Design states that proposals should have regard for specific groups, being designed to include spaces for social interaction and community. In addition, at least 10% of dwellings comprised in a development should be wheelchair user dwellings with the remainder accessible and adaptable.
- 6.11 Policy S1 considers that social infrastructure should be high quality and inclusive to London's diverse communities by meeting local or strategic need.
- 6.12 As part of the Estate is located within the designated Ebury Local Centre, Policy SD8 is relevant and provides that such centres should focus on the provision of convenient and attractive access to local goods and services that meet the day-to-day needs of residents.
- 6.13 Policy D9 concerns the London-wide strategy on tall buildings. It states that it is up to the borough to define both what constitutes a tall building and which areas are appropriate for them – though they should be located in areas that have capacity for such development. Tall buildings are required to be of an exemplary standard.

- 6.14 Policy G4 recognises the wide range of social, health and environmental benefits of open space, requiring that new developments promote the creation of new areas of publicly accessible open space. Policy S4 requires that residential development provides a net increase in good quality, safely accessible open and play space, designed so that they are overlooked and integrated into the neighbourhood.
- 6.15 Policy G7 includes a presumption against the loss of existing tree value, wherever possible. If planning permission is granted that necessitates the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees removed. The planting of additional trees is encouraged. Whilst not fully meeting the London Plan (2021) policy on urban greening the scheme will see biodiversity and ecological net gain together with enhanced connectivity to the north and south. This is supported in place shaping terms.
- 6.16 In accordance with the NPPF, Policy HC1 requires development proposal affecting heritage assets and their settings to conserve their significance and avoid harm.
- 6.17 As to transport and accessibility, Policy T1 requires that development makes the most effective use of land, reflecting its connectivity and accessibility by public transport and walking and cycling routes. Policy T6 encourages car-free development and Policy T5 prescribes cycle parking provision.
- 6.18 Finally, Policy GG6 necessitates development to improve energy efficiency and support the move towards a low carbon economy, contributing towards London becoming a zero-carbon city by 2050. Policy SI2 requires all major development to be net zero carbon (Policy SI 7 adopts the same approach in respect of waste).

City Plan

- 6.19 Westminster Council adopted the Westminster City Plan 2019 – 2040 on 21 April 2021. It sets out the vision for the City of Westminster up to and beyond 2040, putting in place a policy framework that would deliver this vision. Many of its policies are therefore of high relevance to the Ebury Bridge Estate scheme.
- 6.20 The City Plan recognises the challenges faced by the Council to accommodate the growth required alongside the need to preserve a good quality of life for its

residents and visitors. In this respect, the Plan's vision anticipates 'economic regeneration and housing developments in Church Street and Ebury Bridge estates will bring a renewed vitality. A vitality that will resonate throughout the City.'

- 6.21 Spatial Strategy Policy 1 continues the theme of growth, and considers that supporting intensification and optimizing densities in high quality new developments that showcase the best of modern architecture and integrate with their surroundings to make the most efficient use of the land, is the best way to achieve this. In particular, the policy requires the delivery of 22,222 homes with 35% of new homes as affordable. The policy cites the renewal of Ebury Bridge Estate Housing Renewal Areas as a key way in which growth will be delivered.
- 6.22 As a Housing Renewal Area, the expectation is for additional housing, improved connections and public realm, and the provision of new retail and community facilities. Policy 6 cites the Ebury Bridge as a Spatial Development Priority, which will deliver: (i) approximately 750 new high-quality homes; (ii) enhanced connections to the wider area through improved public realm and green infrastructure; (iii) innovative and high-quality design to ensure the most efficient use of land; and (iv) improvements to the Ebury Bridge Local Centre in the form of new retail accommodation and community facilities.
- 6.23 Policies 8 and 9 within the City Plan 2019-2040 are geared towards encouraging applicants to come forward with more housing, optimising housing delivery sites and finding new innovative ways to deliver more homes. Through this approach, there is an expectation that the London Plan derived target of 20,685 homes across the plan period (2019-2040) will be exceeded.
- 6.24 Policy 8 seeks to optimise housing delivery across the borough. In the interests of meeting the 22,222 target, the emerging City Plan seeks a "step up" of housing for the first 10 years of the plan period – with an annual delivery of 1,495 new homes. Policy 8 provides that the stepping up of housing delivery will be achieved by optimizing site densities on Housing Renewal Areas.
- 6.25 The Council wishes to increase the amount of affordable homes delivered in Westminster. In carrying this through, City Plan Policy 9 protects affordable housing and will resist any development that would result in its net loss. Accordingly, all residential proposals are to provide a minimum of 35% of the total residential units as affordable on-site, subject to meeting certain

conditions. City Plan Policy 11 requires a mix of units in terms of size, type and tenure to secure mixed and inclusive communities. The policy requires that 25% of all new homes are to be family sized.

- 6.26 As to design, City Plan Policy 13 provides that all new homes should be well-designed, energy efficient and create a high-quality living environment. It reiterates the accessibility requirements of the London Plan Policy D5 and requires all new homes to meet or exceed Nationally Described Space Standards.
- 6.27 As to amenity, City Plan Policy 7 requires development to be 'neighbourly.' This includes protecting and enhancing amenity by preventing unacceptable impacts, enhancing the local environmental and contributing to the greening of the City.
- 6.28 City Plan Policy 18 resists the loss of existing community facilities and floorspace unless the loss or relocation is in the interests of reconfiguring, consolidating or upgrading services. The policy encourages new social and community uses where there is an identified or future need. Accordingly, new large scale development that generates a need will be required to provide additional community facilities to support existing and new residents. Where provided, such facilities should be designed to accommodate a range of community uses, where possible.
- 6.29 In accordance with national and regional policy, City Plan Policy 25 requires development to be located and designed so as to maximize sustainable forms of travel. Delivery and services infrastructure should be incorporated into developments to allow them to operate and be maintained efficiently with minimal disruption (emerging City Plan Policy 30). The parking standards contained within emerging City Plan policy 28 align with the standards prescribed by the London Plan.
- 6.30 As to open space, City Plan Policy 35 requires major development to provide new or improved public open space and space for children's play. Opportunities to enhance existing habitats and create new habitats should be maximized and trees of value ought to be protected. As to public realm, emerging City Plan policy 44 requires developments to incorporate well-designed public realm that is safe, attractive and accessible to all and to improve connectivity of the network of open space and public realm in the City.
- 6.31 City Plan Policy 37 requires major development to maximize the use of low

carbon energy sources to minimize the effects of climate change and strive towards zero carbon emissions.

- 6.32 City Plan policies 39 – 46 underline the fundamental role of new development to enhance its local context by positively responding to local characteristics and local features. In particular, emerging City Plan Policy 39 requires new development to incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture, reduce emissions and ensure a reduction, reuse or recycling of resources. Development is required to positively contribute to Westminster's townscape and streetscape having regard to the character and appearance of the existing area and to create inclusive and accessible spaces that reduces the opportunity for crime and promotes health and well-being. Principles of sustainable design should be incorporated into development proposals.
- 6.33 City Plan Policy 43 recognises that the general principles to be applied to building heights (i.e. that buildings are proportionate to role, function and location, of exceptional architectural quality, avoid unacceptable impacts etc), in Housing Renewal Areas it is acknowledged that appropriate height must be balanced against the wider public benefits the scheme is able to viably deliver. With regards to the Ebury Bridge Estate, the policy notes that there are opportunities for tall buildings (being buildings of more than 30 metres or, those that are more than twice the prevailing context height (whichever is lower)), though they should be designed in a way that has regard to the setting of and views from the surrounding conservation areas. As such, the tallest elements ought to be to the northern end of the area, with building heights stepping down.
- 6.34 The following policies, guidance and emerging planning policy are material considerations:

National Policy

- 6.35 The National Planning Policy Framework 2019 (NPPF) (at paragraph 2) reiterates the statutory requirement to determine planning applications in accordance with the development plan and, therefore, the development plan is the starting point for determining the acceptability of the development. There is a presumption in favour of sustainable development which the NPPF identifies as having three overarching objectives, namely economic, social and environmental objectives (paragraph 8).

- 6.36 In relation to the economic objective, the NPPF explains that to help build a strong responsive and competitive economy, *'sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure'* (paragraph 8a).
- 6.37 In relation to the social objective, the NPPF encourages the planning system to *'support strong, vibrant and healthy communities, by....fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being'* (paragraph 8b).
- 6.38 The NPPF's overarching environmental objective is to *'contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy'* (paragraph 8c).
- 6.39 Chapter 5 of the NPPF promotes increases and improvements in the quantity, quality and variety of housing, with paragraph 59 noting the Government's support for schemes that significantly boost the supply of housing, including affordable housing. Paragraph 61 provides that dwellings should be delivered in a variety of sizes, types and tenures to meet the broad needs of different groups in the community.
- 6.40 As regards design, Chapter 12 of the NPPF states that achieving well-designed places is a key purpose of the planning system. In addition, paragraph 127 cites functionality, attractiveness and responsiveness to local context as important principles in the design of developments and highlights that developments should promote accessibility.
- 6.41 Chapter 8 of the NPPF promotes the creation of healthy and safe communities. This is expressed in paragraph 91, which emphasizes the importance of creating high quality open space where people can meet and interact. Paragraph 96 of the NPPF builds on this, promoting the importance of a high quality network of open spaces which provide opportunities for physical activity and social interaction.
- 6.42 Paragraph 92 of the NPPF highlights the planning system's role in supplying the social, recreation and cultural facilities and services that are crucial in meeting community needs. The importance of safeguarding existing valued

facilities and the need to ensure residential economic and community uses are integrated within new developments is noted. Paired, with paragraph 96, paragraph 175 encourages the incorporation of biodiversity improvements in and around development, especially where this can secure measurable net gains. Paragraphs 96 and 97 also resist the loss of recreation spaces and require new developments to incorporate both private and public open spaces for use by occupants.

- 6.43 Section 9 of the NPPF sets out the importance of developments encouraging and facilitating an increase in the use of and access to sustainable transport modes.
- 6.44 Chapter 16 sets out the approach to be adopted to conserving and enhancing the historic environment. In particular, where less than substantial harm will result to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.45 In recommending the grant of planning permission for the Scheme, officers reached the view that the Scheme is a well-considered design including an appropriate and rational arrangement of layout, height and massing. The quality of architecture, materials and public realm established within the design code and set out within the detailed scheme is of a high standard. The height of the proposed taller blocks sited alongside the railway line would have the main townscape, visual and heritage impact.
- 6.46 Some harm to designated heritage assets is identified and from some locations the townscape impact, as a consequence of the dramatic scale change, is an uncomfortable one. However, there are many aspects of the tall building policy context where the proposals do accord with policy; and it is also to be taken into account that there are large parts of the Georgian and Victorian townscape of Belgravia and Pimlico which are fully respected and will witness little to no change as a consequence of the proposals.
- 6.47 Overall in terms of heritage impact, it was identified that the proposals will have an adverse impact on some designated heritage assets and on non-designated heritage assets. In the case of the former the degree of impact is indirect and would be to the setting of some listed buildings and conservation areas. In all cases the degree of harm is assessed to be less than substantial and for the most part at the low end of this. While any harm should be avoided

and requires clear and convincing justification, where it is adjudged to be less than substantial the NPPF makes clear that the harm must be weighed against the public benefits of the proposal. With respect to non-designated assets the NPPF requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset. The public benefits of this scheme are significant and are not capable of being delivered without the demolition of the existing buildings on the site. It is considered that they very persuasively outweigh the harm to heritage assets identified in this report.

6.48 Developing the Estate at a higher density level to meet policy objectives of boosting significantly the supply of housing and optimising housing delivery, will lead to reductions in daylight and sunlight to neighbouring properties. The consideration of alternative lower density options would mean that the housing growth benefits in the scheme in relation to the delivery of market and affordable housing would not be realised.

6.49 It was considered that, on balance, the proposed development is in accordance with the Development Plan read as a whole. In addition to providing in the region of 445 additional homes and a minimum of 50% affordable housing across the illustrative Masterplan, there are other significant public benefits arising from the proposed development that are material considerations, namely improvements to the quality and energy efficiency of homes. enhancements to the public realm, new community and social facilities, an enhanced Ebury Bridge Local Centre and enhanced connectivity and new public route through the site. The proposed development would also meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site.

7. JUSTIFICATION FOR COMPULSORY PURCHASE

7.1 Having regard to paragraph 106 of the Guidance, the Council notes that, where a compulsory purchase order is promoted pursuant to section 226(1)(a) of the Act, the Secretary of State will take into account the following issues:

- (a) Whether the purpose for which the Order Land is being acquired fits with the adopted local plan for the area or, where no such up to date local plan exists, with the draft local plan and NPPF;
- (b) The extent to which the proposed purpose will contribute to the

- achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
- (c) Whether the purpose for which the Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe;
- (d) The potential financial viability of the Scheme.
- 7.2 The Guidance also requires the Council to have regard to the following when considering making a compulsory purchase order:
- (a) That the purposes for which the Order is made sufficiently justify interfering with the human rights of those with an interest in the land affected;
- (b) Whether it is likely that the Scheme will be blocked by any physical or legal impediments to implementation.
- 7.3 These are each considered below in relation to the Order and the Scheme.
- (i) Whether the purpose for which the Order Land is being acquired fits with the adopted planning framework or, where no up-to-date local plan exists, with the draft local plan and NPPF:**
- 7.1 The compulsory purchase of the Order Land is required to deliver a comprehensive redevelopment scheme and is the only approach available to the Council to optimise the benefits offered from a key site within a priority regeneration area.
- 7.2 The comprehensive renewal of the Estate is supported in land use terms. The development would optimise housing delivery and help the City Council meet its ten year housing target set out in the London Plan (2021). For the reasons set out below, the acquisition of the Order Land to facilitate the delivery of the Scheme would on balance, be in accordance with the Development Plan read as a whole, and other guidance, including the NPPF.
- 7.3 The intention to bring forward development at the Order Land has been articulated by the Council for nearly 10 years. The Council refers to the following key aspects of the Scheme by reference to the planning framework:

Principle of Development

- 7.4 The regeneration of Estate (of which the Order Land forms part) is promoted at a strategic and local level. In particular:
- (a) it has been identified as a strategic opportunity since 2010 (per the Housing Renewal Strategy);
 - (b) Policy 1 of the City Plan cites the Estate as a Housing Renewal Area key to the way in which the target for 22,222 homes over the plan period will be delivered;
 - (c) Policy 6 of the City Plan cites the Estate as a spatial development priority with the scope to deliver approximately 750 high-quality new homes, enhanced connections through improved green infrastructure, high-quality design to make the most effective use of land and new retail and community facilities.
- 7.5 The supporting text of the relevant City Plan Policy 6 states that the Ebury Bridge Estate has the potential to create a significant uplift in the number of homes, contribute to meeting strategic housing need and will also deliver wider benefits for the community, made possible by the large-scale nature of estate renewal. The reasoned justification acknowledges that regeneration presents the opportunity to improve quality of life for existing residents, address overcrowding and improve public realm, which will deliver walking links to the wider area (including the Victoria Opportunity Area and the new Chelsea Barracks development).
- 7.6 Turning to the NPPF, it is clear that the regeneration and effective use of the Order Land, being previously-developed land, will contribute to sustainable development in accordance with the NPPF (paragraph 8). The assembly and regeneration of the Order Land to facilitate its redevelopment will create conditions in which businesses will invest, in turn helping to build a strong, responsive and competitive economy (paragraph 8a). Regeneration and redevelopment will create a place that is well-designed, safe and accessible, with open spaces that support the well-being of surrounding communities (per paragraph 8b). Further, the regeneration of the Order Land and the application of development plan policies in the planning application determination process will ensure the protection and enhancement of the natural, built and historic environment (per paragraph 8c).

- 7.7 In accordance with the development plan, national policy imperatives and emerging policy, the Scheme would act as a catalyst for further transformational investment in the local area. Relevant to the proposals is policy H8 of the London Plan. As detailed in Section 6 above, and in accordance with the reasoned justification to policy H8, there has been significant engagement and consultation with local residents as to the development proposals and vision for the Estate. Alternative (and less interventionist) options for the delivery of the Estate's regeneration have been considered as part of an ongoing consultation process starting in 2013 and, more recently, as part of the eight potential development scenarios for development closely consulted upon with residents and businesses in 2017 - 2018. In each case, this has ensured that residents are at the heart of the Estate's regeneration.
- 7.8 Ultimately, less disruptive alternatives scored less favourably when considered against a scoring matrix of deliverability, viability and desirability and would not achieve the same vision and objective of comprehensive regeneration as is proposed by the Scheme. The potential benefits of demolition and rebuilding of homes (namely, the uplift in affordable housing, enhanced and improved community uses and the creation of improved open space) are considered to clearly outweigh any social and environmental impacts. Further, by formulating clear objectives for the estate regeneration Scheme, the proposals will better serve the local community. The proposals for the Scheme have taken into account (and fully comply with) the Mayor's Good Practice Guide to Estate Regeneration (2018), which acknowledges that more interventionist regeneration can realise significant benefits, including opening up access to a full range of better quality housing of all tenures, improvements across neighbourhoods; new opportunities for training and employment and new community facilities. A ballot is not required in this instance as no Mayoral funding is required to take the Scheme forward. Accordingly, the acquisition of the Order Land for the purposes of delivering the Scheme is considered to fully comply with London Plan Policy H8, City Plan policies 1 and 6, and the Mayor's Good Practice Guide to Estate Regeneration.

Housing

- 7.9 Across the Estate, the illustrative Masterplan for the Scheme proposes up to 781 residential units of which 53% is proposed as affordable housing by habitable room with an overall tenure split of 66% social rent to 34%

intermediate housing. Discounting the affordable housing re-provision requirement, this equates to 50% affordable housing on the uplifted accommodation. This will be the minimum amount of affordable housing provision across the Masterplan area.

- 7.10 The new homes would replace the existing 336 units (being the units in situ and those prior to the demolition of Edgson House) with an uplift of 422 units. The additional housing would 'boost significantly the supply of housing' (per paragraph 59 of the NPPF), contribute towards achieving Westminster's housing target (per City Plan policy 8) and optimize the potential for housing delivery on a suitable and available brownfield site (per London Plan policy H1).
- 7.11 As to affordable housing, of the previous 336 units, 198 residential units (548 habitable rooms) were provided for social rent, with the remainder comprising market housing. The Scheme uplifts the previous level of affordable housing. The uplift is also consistent with City Plan policy 6. Additionally, in accordance with London Plan policy H8, it is proposed that any affordable housing that is replacing social rented housing is provided as new social rent housing, where it is facilitating a right of return for existing tenants.
- 7.12 The proposed development would have a residential density of 420 units per hectare and compares with 180 units per hectare as existing. In the London Plan (2021), higher density residential developments are those with a density of at least 350 units per hectare. A key benefit of the proposed scheme is that it intensifies the use of land and provides a high density form of development to support additional homes.
- 7.13 In accordance with London Plan Policy D3, the Scheme's approach to density has been design-led, optimizing the use of the land in a way that respects the surrounding constraints and land uses in accordance with policy 6 of the City Plan, Section 11 of the NPPF (Making Effective Use of Land) and the spirit of the policy direction made by the Secretary of State on 13th March. In this regard, the Scheme further accords with City Plan policy 8, which recognizes the need to optimize site densities on Housing Renewal Areas such as the Estate, so as to achieve the borough's 'stepped-up' housing delivery target.
- 7.14 The development proposed pursuant to the Planning Permission provides an indicative mix of residential units across the Estate, which would provide a mixed and balanced neighbourhood in accordance with paragraph 61 of the NPPF, and City Plan policy H10.

- 7.15 As noted earlier, the illustrative Masterplan sets out that overall a minimum of 19% family units would be provided (149 units). In terms of the uplift in residential units, 20% (90 units) would be family units. The proposed 20% provision of family sized units based on the uplift in residential units across the Masterplan falls below the 25% required by Policy 10 of the City Plan 2019-2040. The illustrative dwelling mix across the Masterplan indicates, however, a substantial increase in the number of family sized units from 59 as existing to 149 as proposed. In addition the illustrative accommodation schedule identifies that 31% of the affordable units would be family units ensuring provision in the tenure most in need of family accommodation.
- 7.16 As previously noted, all units would meet the minimum Nationally Described Space Standards and the majority would be dual aspect, with single aspect north facing units avoided. At present two thirds of units do not comply with such standards and only 25% are dual aspect. An approach to window treatment and separation distances has been adopted to ensure that residents are provided with the highest standards of living. The proposed heights and massing of the Scheme have been devised to ensure that it does not unduly prejudice daylight and sunlight to surrounding windows; and that the massing itself does not create an undesirable microclimate which adversely impacts on surrounding residents. However, if this site is to be redeveloped at a higher density level to meet policy objectives of boosting significantly the supply of housing and optimising housing delivery, then reductions in daylight and sunlight to neighbouring properties are to be expected. It is considered that the Scheme accords with NPPF Chapter 12, London Plan policies D4, D5 and D6 and City Plan policies 7, 12 and 13.
- 7.17 In light of the above, the Scheme would secure a mixed and balanced community at the Order Land (and, when taken together with the detailed component of the Planning Permission, the Order Land) in accordance with adopted policy. In respect of the development consented pursuant to the Planning Permission, 10% of dwellings will be designed in accordance with Building Regulation requirement M4(3) 'adaptable' standards whereby if a resident requires a fully accessible wheelchair unit they can be easily adapted for such, with the remainder to be designed in accordance with Building Regulation requirement M4(2). This is fully in accordance with paragraphs 91 and 127 of the NPPF, London Plan D5 and City Plan policy 13.

Community Uses

- 7.18 The development proposed pursuant to the Planning Permission proposes (as a minimum) 158 sqm community floorspace in the ground floor of block 5 which will take the form of a designated community hall. Details of the hall will form part of the reserved matters application for this phase of development.
- 7.19 Additional community use could also come forward at the Estate as part of the 3,018 sqm of non-residential floorspace proposed as part of the Planning Permission, this will depend on market and resident need and will be determined as part of future reserved matters applications. In this respect, the Planning Permission provides for up to 1,600 sqm of non-residential floorspace (A1-A4/D1 Uses) in Blocks 1-4 and, in Block 9, up to 910 sqm non-residential floorspace comprising D1/D2/A3 with no more than 130 sqm to be provided as A3 use. As such, there is scope for additional community facilities to come forward.
- 7.20 This new hall will be larger than the existing, more flexible, secure, and located in a landmark location within the Estate. This will ensure a substantial intensification in its use and a far greater social benefit than the previous hall. Whilst the existing 23 sqm gardening building is not proposed to be re-provided, community gardening activities will be supported through the provision of community herb gardens on the podiums of the various blocks comprised in the development. It is considered that the proposed community use complies with paragraphs 91 and 92 of the NPPF, London Plan policies S1 and D5, City Plan Policy 18 and the spatial priority for the Ebury Bridge Renewal Area stipulated by City Plan Policy 6.

Commercial and Retail

- 7.21 A key component of the Scheme is the improvement and increased provision of retail and commercial floorspace. As to this, the scheme consented pursuant to the Planning Permission would provide 3,018 sqm of non-residential floorspace (comprising a net increase of 2172 sqm on the existing provision). Save for the community use and 350 sqm of Class B1 floorspace to be accommodated within Block 5, the proposed uses of the remaining floorspace are to be determined at the reserved matters stage, subject to need and feedback from local residents and stakeholders. A threshold per use-class has been adopted to diversify the offer. The commercial and retail uses are proposed to be sited in Blocks 1 – 4, given the western frontages of

such blocks are part of, and will form an extension to, the Ebury Local Centre. The provision of high quality, flexible retail floorspace here would therefore contribute towards the vitality of the Local Centre whilst also providing key local conveniences to residents in full accordance with London Plan Policy SD8, the requirement, pursuant to the NPPF, for LPAs to positive and proactively encourage economic growth.

Design and Open Space

- 7.22 The Scheme also presents an opportunity to provide a high quality design with bulk and massing in-keeping with the location and sympathetic to local surroundings in accordance with London Plan policy D5 and D6, City Plan policies 39 – 46 and Chapter 12 of the NPPF. The illustrative masterplan submitted as part of the application for the Planning Permission demonstrates how the development is capable of creating a cohesive network of legible, open spaces; high quality green infrastructure; new routes and connections to the surrounding neighbourhood and the creation of buildings laid out so as to allow for passive surveillance of the public realm, which ensuring privacy for residents.
- 7.23 The massing of the Scheme has been carefully considered. The tallest building proposed pursuant to the Planning Permission (Block 6; up to 19 storeys) is located on the eastern edge of the Estate. Blocks 7 and 8 comprise two buildings up to 18 storeys and 17 storeys in height respectively. It is proposed that the Blocks step-down to circa 6 storeys for those fronting Ebury Bridge Road. The remaining blocks peak at circa 8 storeys and are in-keeping with prevailing heights in the local area. Further, the reduction in heights in this location respects the adjoining heritage assets, whilst still providing a positive impact onto Ebury Bridge Road and providing an attractive landmark in a way that would not diminish the quality of the existing built environment.
- 7.24 As above, the development includes 'tall buildings' within the meaning of City Plan policy 42 and London Plan policy D9. Having regard to the location of the Estate within the CAZ, the Housing Renewal Area and adjacent to the Victoria Opportunity Area, it is considered that there is scope to include tall buildings at the Estate. In accordance with City Plan policies 42 and 43, it is considered that the benefits of the Scheme in supporting the creation of a substantially enhanced housing estate, legible network of high quality open spaces and uplift in affordable housing weigh in favour of the scale of development proposed.

- 7.25 As to open space, landmark gateways are proposed to the north and south of the Estate with a network of connected public squares with interlinked pedestrian and cycle routes in through and out; and landscaped entry points from Ebury Bridge Road. Children's play spaces and playable landscapes will be distributed throughout that, in quantum terms, there will be an increase above the existing Estate provision. In addition to public open space, private amenity space is proposed in the form of podium gardens and roof terraces, providing a further source of open space for residents. Accordingly the new open spaces proposed are superior in terms of amenity, usability and ecological value to the existing spaces in accordance with London Plan policy G4 and G5 and City Plan Policy 35.

Conservation

- 7.26 Whilst the Estate is bounded to its north west edge by the Belgravia Conservation Area, there are a number of other conservation areas and listed buildings within its proximity. The visual impact of the development consented pursuant to the Planning Permission has been assessed from 26 views from and of heritage assets around the Estate and concludes that, in all but one case (the view from Pimlico Conservation Area), the development will either have a neutral or positive impact on views. Although, in accordance with City Plan policy 40, the development has been designed with due consideration to the surrounding context with taller buildings are positioned along the eastern edge to the railway and step down from north to south, the Scheme will result in a low degree of 'less than substantial harm' to the Grade II listed National Audit Office and low level of harm to a group of non-designated assets on Westmoreland Place.
- 7.27 The Council is satisfied that any harm arising is less substantial (per paragraph 196 of the NPPF) and, even attaching special weight to such harm, this is outweighed by the physical and economic regeneration of the Order Land at a density that secures its optimum viable use. Accordingly, the proposals are in compliance with Section 16 of the NPPF.

Transport and Parking

- 7.28 The Order Land is in a highly sustainable location with a PTAL rating of 6b and is well located in relation to existing public transport services, which will result in the reduced need for car-use. In accordance with London Plan policy

T1 and Section 9 of the NPPF, the location of the Order Land facilitates access on foot, via safe and convenient routes to the local area and transport nodes.

- 7.29 The development consented pursuant to the Planning Permission maximizes connections and accessibility, with a total of eight entrance points to cyclists and pedestrians. This will enhance the Order Land's connectivity to the amenities in the wider area, whilst opening it up for use by residents within the wider neighbourhood as a place to relax and socialize. Although there is provision for vehicular access to accommodate less mobile residents and servicing and deliveries, pedestrians and cyclists will be prioritized. The accessibility strategy is therefore fully in accordance with London Plan policies 6.10, 6.11 and 6.12 and City Plan policy 25.
- 7.30 In accordance with London Plan policy T6, it is proposed that the Scheme will be car-free with car parking limited to use by disabled residents. The Scheme proposes a total of 42 disabled car parking spaces and two car club spaces. This level of parking provision is in accordance with London Plan (2021) policy and Policy 27 of the City Plan. Cycle parking for the scheme is proposed to comply with London Plan (2021) standards. In accordance with paragraph 104 of the NPPF and in excess of the requirements of London Plan policy T5, cycle parking will be provided commensurate with each Block's dwelling mix with additional spaces provided for visitors.
- 7.31 Moreover, the balance of uses proposed at the Order Land pursuant to the Scheme would encourage people to minimise journey lengths for employment, shopping and leisure activities (per paragraph 104 of the NPPF).

Energy and Sustainability

- 7.32 The integration of sustainability and energy efficiency measures as part of the Scheme has been carefully considered as part of the design proposals that are now the subject of Planning Permission. In addition to the two energy centres proposed with the Estate to serve the development, the proposals prioritise sustainable transport; buildings that incorporate a high degree of insulation and protection for residents from undue external noise and air quality impacts; a design that seeks to mitigate overheating in line with the London Plan and reliance on sustainable methods of energy generation. In addition, ecological enhancements have been incorporated into the design to improve ecological resilience and seek to achieve biodiversity net gain.

- 7.33 The Council is satisfied that the Scheme will make the fullest contribution to the mitigation of, and adaption to, climate change, energy usage and resource wastage, whilst minimising carbon dioxide emissions in accordance with London Plan policies GG6 and SI 2, policy 37 of the City Plan and the NPPF.
- 7.34 In light of the above, the Council is satisfied that the Scheme accords with the strategic objectives of the development plan and the national planning framework (as well as other material considerations). The purposes for which the Order Land is being acquired accords with the adopted and emerging planning policy for the area as recognized by the grant of Planning Permission.

(ii) The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area:

SOCIAL

- 7.35 The benefits of the Scheme include the provision of new housing, improved community facilities, the provision of improved open space and play space and substantial improvements to the public realm. The opportunities presented by the Scheme will create social gains for local people and businesses and contribute towards the promotion and improvement of social well-being in the Council's area. The economic and environmental benefits listed below will improve the social well-being of the Council's area, for example creating jobs and creating an attractive environment will also indirectly enhance the social well-being of people in the area.
- 7.36 Accordingly, to the 2017 mid-year estimate, the population of the City of Westminster was 244,813¹. The population is projected to increase by 32,631² by 2042, an increase of 13.3%. This projected increase is an important consideration for the requirement for the delivery of new housing. The 2019 English Index of Multiple Deprivation (IMD)³ (section 12) summarises the deprivation levels for each LSOA covering the local and wider community (comprising LSOAs Westminster 023C and Westminster 023G) faces significant income and employment deprivation, ranking between the top 10%

¹ ONS, 2017. Mid-year population estimates. Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates>

² GLA, 2017. Trend-based population estimates: Long-term. Available at:

<https://data.london.gov.uk/dataset/trend-based-population-projections>

³ ONS, 2019. Indices of Deprivation 2019 and 2015. Available at:

<https://dclgapps.communities.gov.uk/imd/idmap.html>

and 30% most deprived in the country.

- 7.37 Westminster has an acute need for additional homes, especially affordable housing, which the Scheme will help to deliver. The Scheme will deliver at least 50% of homes as affordable and will provide a mixture of market, intermediate and social housing, which will contribute towards the improvement of social well-being in the Council's area.
- 7.38 The Scheme would deliver a range of new homes, built in accordance with relevant housing standards and meeting policy compliant levels of adaptable and accessible dwellings. The development consented pursuant to the Planning Permission proposes 781 homes, comprising a significant uplift in homes currently at the Estate. Of the homes proposed, a minimum of 50% affordable homes are proposed and the new housing will help to diversify the housing stock available.
- 7.39 Current and future residents living in Westminster and London have identified a high level of housing need and the ONS figures indicate existing issues regarding overcrowding in existing housing stock. All net additional housing units to be delivered as part of the Scheme will represent additional housing units available to these residents with a greater proportion of much needed family sized housing.

ECONOMIC

- 7.40 As above, LSOAs Westminster 023C and Westminster 023G face significant income and employment deprivation, ranking between the top 10% and 30% most deprived in the country. The latest population estimate shows that the proportion of economically active residents (aged 16-64 years) in the local area (Churchill Ward) is 70.3% and in City of Westminster is 71.8%, which is lower than the London average (78.1%). It is estimated that the current employment-generating uses (excluding vacant units) at the Estate support an estimated 39 direct full-time equivalent (FTE).
- 7.41 Within this context, there is a compelling need to regenerate the Estate. The development consents pursuant to the Planning Permission will comprise 3,018 sqm of non-residential commercial floorspace. This compares to 846 sqm of non-residential commercial floorspace at the Estate presently. The development is therefore likely to result in new employment opportunities for existing and future residents within the local community, which would be beneficial in the

context of existing significant income and employment deprivation within the vicinity of the Estate.

- 7.42 A number of economic benefits can, therefore, be directly be attributed to the development consented pursuant to the Planning Permission through construction work and the end user jobs. The Environmental Statement associated with the Planning Permission predicted 96–103 net additional full-time equivalent (FTE) jobs.
- 7.43 The Council is satisfied that the Scheme would contribute towards the improvement and promotion of the economic well-being of its area.

ENVIRONMENTAL

- 7.44 The Scheme would provide a high quality and inclusive environment, whilst making best use of the Order Land to better integrate the Estate with the local area. An attractive shared surface will emphasize pedestrian and cyclist priority through the Estate and the greened north-south route will enhance the connectivity and permeability of the area. The series of public squares will create a new focal point, with the benefits of the residential-led development overlooking public space, which would improve the perception of the risk of crime in the area.
- 7.45 Westminster’s built-up nature means that its parks and open spaces play an essential role in the quality of life for residents. Despite being able to provide the more than national average of publicly available open space, the City Plan states that there is still an overall deficiency in the City. South Westminster is particularly deficient in green and open space.
- 7.46 The Estate is located in an identified area of Play Space Deficiency (per figure 7 of the Draft Infrastructure Delivery Plan (IDP) (November 2019)⁴. The existing provision of open space within the Estate is poor and comprises undesignated spaces, access roads and other areas of hard-standing. There is a playground set within the community gardens and a multi-use games area (MUGA), comprising a total of 1,836 sqm.
- 7.47 The development consented pursuant to the Planning Permission has been designed to minimise impacts on the environment by incorporating

⁴ City of Westminster, 2019. City Plan 2019-2040 – Draft Infrastructure Delivery Plan (November 2019 – Live document).

sustainability measures into the built development.

- 7.48 The proposals will maximise the site's potential, enhance public space, provide a mix of uses and will be accessible, legible and sustainable.
- 7.49 The social, economic and environmental benefits of the Scheme are substantial.

(iii) whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

- 7.50 The Council does not consider that there are any suitable alternatives to the Order which would deliver the objectives of the Scheme. The purpose for which the Order Land is proposed to be acquired is in accordance with the adopted and emerging planning policy framework.
- 7.51 The Council has spent many years developing a sustainable, deliverable regeneration proposal for the Estate as previously explained in Section 4 above. The Scheme proposed will secure the comprehensive development of the Order Land in accordance with regional and national planning policy, in a manner sympathetic to its location and the constraints of the Estate.
- 7.52 No alternatives to the Order have been advanced by any other party. Notwithstanding this, and as noted above, the Council has had regard to alternative proposals; notably, the Previous Scheme and the various scenarios for development considered as part of the 'Narrowing of Options' in 2018.
- 7.53 It is considered that the social, economic and environmental benefits of the Scheme detailed above are specific to the Order Land.
- 7.54 Given the nature of the Order Land, its history and current status, the Council consider it unlikely that the comprehensive regeneration of the Estate can be achieved without the Order being confirmed by the Secretary of State.
- 7.55 The Council has given careful consideration to the need to include each parcel of land within the Order Land and is satisfied that the Order is necessary and in the public interest and that all of the Order Land is required to facilitate the development.
- 7.56 The Council considers that the use of compulsory purchase powers is fully

justified. The Scheme offers social, economic and environmental benefits as summarised above which provide a compelling case in the public interest.

(iv) the potential financial viability of the Scheme for which the land is being acquired

- 7.57 Paragraph 106 of the Guidance states that an acquiring authority should provide details of sources and timing of funding for both acquiring the Order Land and implementing the Scheme.
- 7.58 Both the detail and outline phases of the Ebury Bridge Estate Renewal Scheme is a Council led development scheme that is to be 100% funded by the Council, supported through market sales of completed units and Council funds.
- 7.59 A capital budget for Ebury Bridge Estate Renewal Scheme has been included in the Council's capital budget and was approved by the Cabinet on 8th March 2021.
- 7.60 A viability appraisal accompanied the planning application and the Council is satisfied that the total cost of delivering the project including the land acquisitions can be supported by sale of private units and internal Council funding.

(v) That the purposes for which the Order is made sufficiently justify interfering with the human rights of those with an interest in the land affected;

Human Rights

- 7.61 The Human Rights Act 1998 incorporated into domestic law the Convention on Human Rights (the 'Convention'). The Convention includes provisions in the form of Articles, which aim to protect the rights of the individual.
- 7.62 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way that it incompatible with the Convention. The Guidance provides that a compulsory purchase order should only be made where there is a 'compelling case in the public interest,' and that a public authority pursuing a compulsory purchase order should be sure that the purpose for which it is making that order sufficiently justifies interfering with the human rights of those with an interest in the land affected. In making this assessment, the authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Articles 6 and 8 to the Convention.

- 7.63 Under Article 1 of the Convention, every natural or legal person is entitled to the peaceful enjoyment of his possessions. Article 1 states 'no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.'
- 7.64 Article 6 of the Convention provides that 'in determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.'
- 7.65 Article 8 of the Convention protects private and family life, home and correspondence.
- 7.66 It is acknowledged that the above Convention rights may be at issue in the course of making and leading up to the confirmation or non-confirmation of the Order. As regards Article 1 of the Convention, it is acknowledged that the owners of the land comprised within the Order Land may be deprived of their property if the Order is confirmed and thereafter implemented. However, such interference will be in accordance with the law. The public benefits associated with the Order are set out in this Statement, and the Council is satisfied that the Order will strike a fair balance between the private loss of property rights and the public interest in securing the implementation of the Scheme (which is unlikely to happen in the absence of the Order).
- 7.67 In respect of the right to a proper hearing under Article 6 of the Convention, there has been considerable public consultation and engagement on the proposals to regenerate the Order Land, and numerous opportunities throughout the planning process for interested third parties and those with a proprietary interest in the Order Land to make representations. Leaseholders have also had the opportunity to engage in negotiations for voluntary acquisitions prior to the compulsory purchase process being initiated. In any case, the Council is satisfied that the statutory compulsory purchase process provides for the consideration of objections and, if such objections are duly made, for a public inquiry to be convened into the Order, all of which complies with Article 6. With regard to the Secretary of State's decision, a right of challenge before the High Court exists. In relation to compensation disputes, affected persons have the right to refer any claim for compensation to the Upper Tribunal (Lands Chamber), being an independent body.
- 7.68 As to Article 8, this right is qualified in the case of interference in accordance with the law, where there is a legitimate aim and where it is fair and

proportionate in the public interest. The Council is satisfied that their proposed use of compulsory purchase powers for site assembly of the Order and the interference caused is justified and falls within these exceptions having regard to the compelling public benefit which would arise from the Scheme.

Equality

- 7.69 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender re-assignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. Pursuant to section 149 of the Equality Act 2010, the Council is subject to the Public Sector Equality Duty, which requires the Council, when exercising their powers, to have due regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Equality Act 2010;
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - (c) Foster good relations between people who share a protected characteristic and those who do not.
- 7.70 The Council has been mindful of its duty and has had regard to the impact of regeneration of the Order Land and provision of the Scheme on such protected characteristics. A full Equalities Impact Assessment ('EQIA') was commissioned by the Council in support of the planning application that gave rise to the Planning Permission. An Addendum has been commissioned which considers the equality impacts of the redevelopment process including the use of compulsory purchase powers.
- 7.71 The EQIA has found that there are remaining residents on the Estate with protected characteristics. The Council has sought to mitigate the impact on those protected characteristics through a range of reasonable and proportionate measures focused on engagement, compensation options, and the benefits of the redevelopment in order to improve the outcomes of the redevelopment for the current and future Estate community.
- 7.72 The EQIA acknowledged that the effects on protected characteristics are being managed through engagement and consultation and the mitigation measures set out in the Policy for Tenants in Housing Renewal Areas, the Policy for

Leaseholders in Housing Renewal Areas and the support developed by the Council for businesses included in the Order.

7.73 The EQIA concluded, therefore, that where any negotiations of property acquisition to facilitate the redevelopment is deemed to not be possible and compulsory purchase must be used, equality risks have been addressed. There is, therefore, a case for the use of the CPO, if it is required to facilitate the development.

(vi) Whether it is likely that the Scheme will be blocked by any physical or legal impediments to implementation.

7.74 The Guidance requires an acquiring authority to show that the Scheme underlying the Order is unlikely to be blocked by any physical or legal impediments to implementation. These include the programming of any infrastructure accommodation works or remedial work as may be required and any need for planning permission or other consent or licence.

7.75 On 6th October 2021, the LPA granted the Planning Permission. Further, Section 7(iv), details the proposed funding for the redevelopment Scheme, which includes the cost of leasehold and other land acquisition. The Council is satisfied that adequate funding is available not only to complete the assembly of the Order Land but to implement (and complete) the Scheme.

7.76 There are sub-stations on the Estate which have been integrated into the development proposals and these assets will not present any impediment. London Power Networks Plc HV cabling currently crosses the Estate and will need to be removed or relocated to accommodate the Scheme. Similarly, BT Open Reach has various overhead and underground plant and join boxes across the Estate, including a large three-paneled cabinet/ BT junction box situated alongside Doneraile House. Negotiations with utility companies have been entered into and no utility impediments are expected. Thames Water also has a water main within the Estate. This will continue to serve the development proposed for the Order Land, albeit its capacity will be reviewed in light of the additional homes.

7.77 The Council is satisfied that, there are no fundamental impediments to the implementation of the Scheme and that the Scheme will proceed if the Order is confirmed.

8. SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND

- 8.1 The Order Land is situated outside Westminster's conservation areas, although it does lay immediately to the south east of the Belgravia Conservation Area. Whilst none of the buildings comprised within the Order Land are statutorily listed, there are listed buildings in the vicinity.
- 8.2 As to the development consented pursuant to the Planning Permission, the Council fully assessed its likely impact on the Conservation Area and neighbouring listed buildings (being designated heritage assets within the meaning of the NPPF) and concluded that any harm arising is: less than substantial; and outweighed by the substantial public benefits which accrue, to which the Council has referred above. In so concluding, the Council has attached considerable weight to this identified harm and to the desirability of preserving the designated heritage assets pursuant to its statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.3 Overall, the Council is satisfied that less than substantial harm (per the NPPF) exists but this is outweighed by the public benefits arising from the making of the Order (and, subsequently, implementing and completing the Scheme).
- 8.4 The estate is located in the Archaeological Priority Area (APA) Tier 3: Pimlico. The Estate has been subject to a programme of archaeological desk-based assessment with monitoring of site investigations. This is due to the presence and potential survival of post-medieval/industrial archaeological remains of the 19th century Grosvenor Canal and 1720's Chelsea Waterworks. Whilst the proposals could cause harm to archaeological remains Historic England advised ahead of the grant of the Planning Permission that the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition to secure a written scheme of investigation.
- 8.5 The Order Land includes land used by statutory undertakers for the purposes of its undertaking. This gives such undertakers a separate and additional power to object to the Minister responsible for their undertaking in accordance with section 16 of the 1981 Act. The Council will seek to put in place appropriate agreements with such statutory undertakers and any telecommunications operators and discussions have already commenced to achieve this.
- 8.6 The Crossrail Line 2 Safeguarding Route 2015 crosses the north western

corner of the Ebury Bridge Estate. Crossrail 2 will provide a new underground rail-line connecting the National Rail networks in Surrey and Hertfordshire via new tunnels and stations, including a new station at Victoria. Safeguarding the proposed underground rail route helps to protect it from conflicting development. Crossrail 2 requested that a condition be included on the Planning Permission requiring the submission and approval of detailed design and method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent).

9. DETAILS OF ANY VIEWS WHICH MAY HAVE BEEN EXPRESSED BY A GOVERNMENT DEPARTMENT ABOUT THE PROPOSED DEVELOPMENT OF THE ORDER LAND

9.1 No views have been expressed by a Government Department's about the proposed development of the Order Land.

9.2 The Greater London Authority (GLA) responded in relation to the planning application for the Scheme. The GLA concluded in their Stage 2 Report that

"While the response to some strategic issues raised by GLA officers, including tall buildings, urban greening, private amenity space standards, play space and the small loss of existing sports facilities, are not demonstrably compliant with the London Plan, the strategic issues raised at consultation stage regarding principle of development, housing, affordable housing, equalities, urban design, heritage, fire safety, energy, air quality, flood risk, sustainable drainage and water efficiency and transport have been addressed, and conditions and obligations within a unilateral undertaking secured. The less than substantial harm to designated heritage assets and substantial harm to non-designated heritage assets is outweighed by the public benefits of the proposal. As such, the application, on balance, complies with the London Plan. There are no sound reasons for the Mayor to intervene in this case. It is therefore recommended that Westminster City Council is advised to determine the case itself, subject to any action that the Secretary of State may take".

10. STEPS THE AUTHORITY HAS TAKEN TO NEGOTIATE FOR THE ACQUISITION OF THE LAND BY AGREEMENT

10.1 The Council has been seeking to acquire the entire development site through private treaty negotiation to enable delivery of the regeneration proposals.

10.2 **Efforts to Acquire**

Lessees & Tenants on the Estate:

10.3 There has been a Westminster City Council regeneration office onsite throughout the process of the current scheme. This has allowed the Council to help and to support residents effected by the scheme by keeping them up to date with relevant information and to help their move away from the Estate either temporarily or permanently; this has either been done via the choice based lettings list, with priority given to a Council tenant affected by any renewal scheme, or by supporting with the negotiation process for leaseholders.

Lessees

10.4 As noted earlier, since negotiations with lessees to acquire those leasehold interests began in April 2014, the Council and its agent Westminster Community Homes (“WCH”) have purchased 103 properties with a further 7 owned by WCH. WCH has agreed to transfer the properties back to the Council in line with the vacant possession timeline.

10.5 Of the remaining 30 leasehold interests to be acquired 8 are currently under offer to the Council and a further 7 in active negotiations. Efforts continue to be made with the final 15 leaseholders yet to enter into negotiations to sell by agreement.

Tenants

10.6 With regard to council tenants, there were a total of 198 secure tenants who would need to be rehoused during both phases. Since 2014 Phase 1 residents were prioritised and all Phase 1 tenants have been rehoused. In

terms of the subsequent phases, there are 49 secure tenants remaining in Phase 2 that need to be rehoused.

- 10.7 The Phase 1 proposals will provide 226 new homes across two buildings, and will include 98 council homes, providing the opportunity for returning council tenants to move into the first phase.

Retail Tenants

- 10.8 There are currently four long-standing retail interests within the Ebury Bridge Estate. The Council is actively working with them, to find an alternative location or agree on ending their lease with a payment of compensation. Presently two long-term retail users have expressed their wish to stay until they need to leave in 2026, whilst the two other long-term users have advised that they would like to move to an alternative location or accept a payment of compensation once the CPO has been served.
- 10.9 Additionally to this, the Council has appointed the independent advisor, who works with the retailers to support their needs and give them independent advice about their retail future.

11. OTHER INFORMATION WHICH WOULD BE OF INTEREST TO PERSONS AFFECTED BY THE ORDER

- 11.1 The documents relating to the Order are listed in Appendix 1 to this Statement and can be inspected during normal office hours at:

[Westminster Council, City Hall, 64 Victoria Street, London SW1E 6QP];

- 11.2 All of the documents can also be viewed online at []
- 11.3 Persons requiring further information regarding the Order should contact [] by post to [], by telephone on [] or by email: []
- 11.4 Owners and occupiers of the Order Land who wish to negotiate a sale or discuss matters of compensation should contact [] by post to [], by telephone on [] or by email to [].

12. DETAILS OF ANY RELATED ORDER, APPLICATION OR APPEAL WHICH MAY REQUIRE A COORDINATED DECISION BY THE CONFIRMING MINISTER

12.1 There are no related orders.

13. CONCLUSION

13.1 In summary, the Council considers that the public interest in proceeding with the redevelopment proposals justifies the compulsory acquisition of the interests in the Order Land, which are required if the redevelopment is to proceed.

13.2 The Council is satisfied that there is no planning or financial impediments to the implementation of the proposal and that the Scheme is therefore likely to proceed if the Order is confirmed.

13.3 The Council has applied the advice in the Guidance and has set out above its view that the Order meets its requirements. For the reasons set out above, there is considered to be a compelling case in the public interest to proceed with the Order to facilitate the delivery of a significant regeneration project.

13.4 Appropriate steps have been taken to seek to acquire the land needed by agreement, and it is clear that compulsory acquisition is necessary to acquire the Order Land. The Order is being made as a last resort, in accordance with the Council's own policy and the guidelines identified in the Guidance. Negotiations are continuing and attempts to acquire as many of the outstanding interests as possible by agreement will continue throughout the CPO process.

Dated []

Debbie Jackson

Executive Director of Growth Planning and Housing

APPENDIX 1 - LIST OF EVIDENCE DOCUMENTS

No	Document Name
1	Guidance on Compulsory purchase process and The Criche! Down Rules" issued by MHCLG
2	London Plan (2021).
3	Westminster City Council, City Plan Adopted April 2021
4	Westminster Housing Renewal Strategy March 2010.
5	Cabinet Member Reports authorising the in-principle use of CPO powers and the making of the CPO.
6	Planning and Development Specification
7	Outline Parameter Plans
8	Planning Committee Report
9	Equalities Impact Assessment and Equalities Impact Assessment Addendum
10	GLA Stage 1 Report
11	GLA Stage 2 Report

The Council reserve the right to add to and amend this list. In particular other planning application documents may be referenced. All planning application documents can be found at:

<https://idoxpa.westminster.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QDECO3RP2RE00>

APPENDIX 2 – ORDER PLAN



